



AGENDA

SPECIAL MEETING (CLOSED SESSION) AND REGULAR MEETING OF THE BANNING CITY COUNCIL CITY OF BANNING, CALIFORNIA

Tuesday, September 08, 2020

4:00 P.M. Closed Session Meeting

5:00 P.M. Regular Meeting

Council Chamber

99 E. Ramsey Street

and via Video/Teleconference

The following information comprises the agenda for the closed session and regular meeting of the Banning City Council, a joint meeting of the City Council and the Banning Utility Authority, and the Banning City Council sitting in its capacity of the Successor Agency Board.

Due to the COVID-19 pandemic emergency, and to protect the health and safety of all participants, *this meeting is being held in person and via video/teleconference*. Pursuant to Governor Newsom's Executive Orders, members of the Banning City Council, staff and public may observe and participate in this meeting electronically or telephonically as outlined below:

To observe and participate in the on-line video portion of the meeting through your personal computer or device enter the following or click on the link

<https://us02web.zoom.us/j/87415277765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQT09>

Meeting ID: 874 1527 7765

Password: 870511

One tap mobile: +16699009128,, 87415277765#

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To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: <https://banninglive.viebit.com> or on the Banning Government Channel on Cable Television

Per City Council Resolution 2016-44, matters taken up by the Council before 10:00 p.m. may be concluded, but no new matters shall be taken up after 10:00 p.m. except upon a unanimous vote of the council members present and voting, but such extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.

I. CALL TO ORDER 4:00 P.M. SPECIAL MEETING

II. CLOSED SESSION

- II.1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9
Name of case: Robertson's Ready Mix, Ltd. v. City of Banning, et al., Case No. RIC 1513475

- II.2. CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: One potential case

III. ADJOURN SPECIAL MEETING

I. CALL TO ORDER REGULAR MEETING - 5:00 P.M.

- I.1. Invocation - *Elder Ralph Bobik – Church of Jesus Christ of Latter Day Saints*
- I.2. Pledge of Allegiance
- I.3. Roll Call - *Council Members Happe, Pingree, Wallace, Welch and Mayor Andrade*

II. AGENDA APPROVAL

- II.1. Approve Agenda

III. PRESENTATIONS

- III.1. Mayor's Special Recognitions

IV. REPORT ON CLOSED SESSION

City Attorney

V. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE, CITY MANAGER, AND CITY ATTORNEY REPORTS

PUBLIC COMMENTS –Items Not on the Agenda

A three (3) minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to "share" his/her three minutes with any other member of the public. Usually, any items received under this heading are referred to staff for future study, research, completion and/or future Council Action (see last page). PLEASE STATE YOUR NAME FOR THE RECORD

CORRESPONDENCE

Items received under this category may be received and filed or referred to staff for future research or a future agenda.

APPOINTMENTS

VI.1. Councilmember Appointment to City Manager's Homelessness Advisory Committee	1
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CITY MANAGER REPORT

CITY ATTORNEY REPORT

CITY COUNCIL COMMITTEE REPORTS

VI. CONSENT ITEMS

(The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council/Banning Utility Authority/Successor Agency wishes to remove an item for separate consideration.)

Recommendation: Approve Consent Items VI.1 – VI.12

VI.1. Minutes of the August 25, 2020 City Council Meetings	3
VI.2. Resolution 2020-111, Authorizing the Application for and Receipt of Grant Funds for the Youth Community Access Grant Program	5
VI.3. Agreement with ECS Imaging, Inc. for Installation and Configuration of Laserfiche Cloud Records Management System	7
VI.4. Purchasing Credit Card (P-Card) Program Policy B-36	9
VI.5. Electric Utility Easement from Pardee Homes for on Assessor's Tract Map No. 35966	11
VI.6. Resolution 2020-115, Declaring Termination of Local Emergency	13
VI.7. Resolution 2020-109, Awarding Professional Services Agreements to Cornerstone C.C.H.D. for Electrical Engineering Design Services	15
VI.8. Resolution 2020-8 UA, Approving Amendment No. 4 to the Agreement with Babcock Laboratories, Inc.	19
VI.9. Avigation Easement from Banning Industrial, L.P.....	23
VI.10. Resolution 2020-113, Project No. 2020-03 "Building Demolition & New Parking Lot Construction"	25

VI.11.	Resolution 2020-112, Adopting the Water Supply Assessment for Sun Lakes Village North SPA No. 6	29
VI.12.	Resolution 2020-114, Approving Final Tract Map No. 37390, 37390-1 and 37390-2	31

VII. PUBLIC HEARINGS

VII.1.	Ordinance No. 1568 approving Zone Change 18-3504 and Resolution No. 2020-108, approving Annexation and Sphere of Influence Amendment 18-1001, General Plan Amendment 18-2505 and Environmental Assessment 18-1509	37
	<i>(Staff Report: Adam Rush, Community Development Director)</i>	
	Recommendation: Introduce the first reading of Ordinance 1568 approving Zone Change 18-3504; and adopt Resolution 2020-108, approving Annexation and Sphere of Influence Amendment 18-1001, General Plan Amendment 18-2505, and Environmental Assessment 18-1509, and find the Project exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3).	

VIII. REPORTS OF OFFICERS

VIII.1.	Animal Control Services Contractual Costs.....	43
	<i>(Staff Report: Doug Schulze, City Manager)</i>	
	Recommendation: Authorize the City Manager to create an Animal Control Division and direct the City Manager to prepare the required budget adjustments and amendment to the City's classification plan.	
VIII.2.	Wastewater Treatment Plant Studies and Recommendations.....	47
	<i>(Staff Report: Art Vela, Public Works Director/City Engineer)</i>	
	Recommendation: 1) Receive and file the Wastewater Treatment Plant Studies completed in 2020. 2) Approve an agreement with NEXOM, Inc. in the amount of \$68,500 to complete pilot studies of their MBBR and Tertiary Filter technologies. 3) Approve an appropriation in the amount of \$68,500 from the Wastewater Capital Facility Fund (681) is requested to fund the pilot study. 4) Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the NEXOM pilot studies.	
VIII.3.	Ordinance 1569, Amending Chapter 2.28 ("Planning Commission") of the Banning Municipal Code.....	51
	<i>(Staff Report: Doug Schulze, City Manager)</i>	
	Recommendation: Introduce the first reading of Ordinance 1569 amending Chapter 2.28 ("Planning Commission") of the Banning Municipal Code to update Planning Commissioner terms, vacancies, duties, and responsibilities	

IX. DISCUSSION ITEMS

None

X. ITEMS FOR FUTURE AGENDAS

New Items:

Pending Items:

1. Fee Suspension Update
2. Website Redesign
3. CNG Facility Update
4. New Energy Workshop
5. Permanent Homeless Solution
6. Shopping Cart Ordinance Update

XI. ADJOURNMENT

NOTICE: Any member of the public may address this meeting of the Mayor and City Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to "share" his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the regular meeting agenda but is of interest to the general public and is an item upon which the Mayor and Council may act. A three-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to "share" his/her three minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and Council on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (951)-922-3102. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]

Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available on the City's website at www.banningca.gov or via email or regular mail by calling (951) 922-3102 or emailing sdelafuente@banningca.gov in the Office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m. and requesting a copy.



CITY OF BANNING CITY COUNCIL REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

MEETING DATE: **September 8, 2020**

SUBJECT: **Councilmember appointment to City Manager's Homelessness Advisory Committee**

RECOMMENDED ACTION:

An advisory committee has been created to advise the City Manager on issues related to services and programs offered to homeless individuals in Banning. The City Council is asked to appoint two members to serve on the advisory committee.

BACKGROUND:

The City of Banning is impacted on a daily basis by homeless individuals living in the community. Services are provided to homeless individuals by various organizations, including the City of Banning. The City does not have staff expertise or resources to address the various programs and services that are provided or, to address needed services that are not currently being provided.

The Homelessness Advisory Committee will consist of individuals from various non-profit, faith-based, government, and private sector organizations. While policy issues may be discussed, the committee is not a policy-making body. The purpose of the committee is to advise the City Manager regarding programs and services. A specific focus of the committee will be Ramsey Street Village and the residents of the Village.

FISCAL IMPACT:

The committee is not compensated and will not require expenditures to function. No fiscal impact is expected.

September 8, 2020

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OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Sonja De La Fuente, Deputy City Clerk
MEETING DATE: September 8, 2020
SUBJECT: Minutes of the August 25, 2020, City Council Meetings

RECOMMENDED ACTION:

Approve the Minutes of the August 25, 2020 City Council Meetings.

OPTIONS:

1. Approve as recommended.
2. Approve with modifications.
3. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Minutes of the August 25, 2020, City Council Meetings
<https://banningca.gov/DocumentCenter/View/7818/Minutes-08-25-2020>

Approved by:

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Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: September 8, 2020

SUBJECT: Resolution 2020-111, Authorizing the Application for and Receipt of Grant Funds for the Youth Community Access Grant Program

RECOMMENDED ACTION:

Staff recommends that the City Council adopt Resolution 2020-111

1. Authorizing Staff to submit an application and all ancillary documents necessary for Prop 64 grant funds application submittal for the Youth Community Access Grant program.
2. Authorizing the City Manager to receive funds, execute agreements and documents necessary to fulfil the application and grant process.

BACKGROUND:

The City Council of the City of Banning desires to submit a Prop 64 Youth Community Access grant application package (“Application”), on the forms provided by the State for approval of grant funding for projects that assist in the improved access to natural and cultural resources and recreation for youth and teens in our Community.

SUMMARY:

The City has an opportunity to apply for grant funds from the Prop 64, Youth Community Access grant program. A total of \$5.7 million dollars is available to promote the access for youth and teens to natural and cultural recreation. Local governments are eligible to apply for the competitive grant and the minimum grant associated with this application is \$25,000 with no match required.

If awarded, the grant will allow for the establishment of a teen enrichment program that will incorporate volunteerism, mentoring, and youth development. The City will look to partner with local non-profits and other Government agencies to implement the program.

OPTIONS:

1. Approve as recommended
2. Do not approve and provide alternative direction

ATTACHMENTS:

1. Resolution 2020-111

<https://banningca.gov/DocumentCenter/View/7815/Resolution-2020-11>

Approved by:



Douglas Schulze

City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Eric Brown, IT Manager

MEETING DATE: September 8, 2020

SUBJECT: Agreement with ECS Imaging, Inc. for Installation and Configuration of Laserfiche Cloud Records Management System

RECOMMENDED ACTION:

Approve an agreement with ECS Imaging, Inc. for installation of Laserfiche cloud document imaging system in the amount of \$51,734.20 for the first year, \$25,325.20 annually thereafter for cloud services and annual maintenance, and authorize the City Manager to execute the agreement and any required documents.

BACKGROUND:

Based on the volume of documents produced by the organization, the City has identified the necessity to establish an efficient and cost-effective information storage and retrieval process, while meeting the set retention policies of the organization. The current software that the City uses has reached end of life and staff has determined that Laserfiche is the best available application to meet the company's document storage needs.

JUSTIFICATION:

Document storage is a vital process for all City departments and is an important task in daily operations. The City's needs document imaging services in order to establish efficient and expeditious filing and retrieval of information relating to organization processes.

FISCAL IMPACT:

The City is aware of the end of life of its existing document imaging software; therefore, funds were allocated to the information technology budget for purchase of a new document imaging system.

OPTIONS:

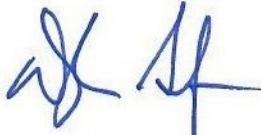
1. Approve as recommended
2. Do not approve and provide alternative direction

ATTACHMENTS:

1. ECS Imaging, Inc. – Laserfiche Cloud Proposal

<https://banningca.gov/DocumentCenter/View/7819/ECS-Laserfiche-Cloud-Proposal>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Jennifer Christensen, Administrative Services Director
MEETING DATE: September 8, 2020
SUBJECT: Purchasing Credit Card (P-Card) Program Policy B-36

RECOMMENDATION:

Adopt and approve the new Purchasing Credit Card (P-Card) Program Policy B-36 to establish rules and guidelines for making authorized purchases and payments utilizing a city issued credit card.

JUSTIFICATION:

The P-Card program is intended to help streamline payments, purchases and earn revenue in the form of annual rebates based on total spend. Use of the P-Card reduces costs associated with administering purchases and payments and is the payment method preferred by many suppliers.

BACKGROUND:

The Administrative Services Department would like to establish a more efficient, streamlined and traceable method for procuring and issuing payments for certain authorized items and services.

The City currently utilizes credit cards under an outdated credit limit and process. There are currently four (4) city issued credit cards being utilized by authorized employees for transactions that require electronic or online payment processing. Section 21 in Purchasing Policy B-30 addresses proper credit card usage, but it does not provide adequate limitations and restrictions to expand the program and maximize its benefits.

Adopting this P-Card policy would enable the city to expand its current credit card usage, and maximize the potential for the following:

- Paying current vendors in a more secure and timely fashion.
- Streamline payments by using one procurement method that works at point-of-sale and online, in the U.S. and around the world. From cardholder setup through purchase, settlement, and reporting, there's no need to enter data manually or rely on multiple systems.
- Reduce processing costs associated with authorizing, tracking, filing, and reconciling payments. Cards can save nearly \$70 per transaction compared to traditional purchase order and invoice processes. Switching to electronic expense reports can save up to \$17 per report compared to paper-based methods.
- Improve visibility to expenses with flexible online and mobile reporting capabilities, and customizable controls that allow the city to determine where, when, and how much is spent. Cards also provide greater control over payment cycles—timing that will enable us to capture more early-payment discounts and maximize working capital.
- Strengthen fraud protection with the enhanced security of EMV-enabled “pin and chip” cards.
- Earn revenue share on an annual basis in the form of a rebate based on a percentage of the total qualified spend.

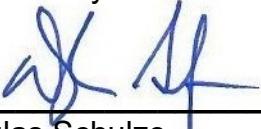
FISCAL IMPACT:

N/A

ATTACHMENTS:

1. Purchasing Credit Card (P-Card) Program Policy B-36
<https://banningca.gov/DocumentCenter/View/7821/Attachment-1---Purchasing-Credit-Card-P-Card-Program-Policy-B-36>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Thomas Miller, Electric Utility Director
Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: September 8, 2020

SUBJECT: Electric Utility Easement from Pardee Homes for on Assessor's
Tract Map No. 35966

RECOMMENDED ACTION:

Accept the easement from Pardee Homes for electric utility purposes on Assessor's Tract Map No. 35966 for the maintenance of the City-owned electric distribution system.

BACKGROUND:

Final Tract Map No. 35966 (Phase I) within the Atwell Development Specific Plan was approved by City Council by Resolution No. 2019-151 on December 10, 2019. Pardee Homes has constructed electrical improvements within Tract Map No. 35966 that were required to serve the development. As part of the Conditions of Approval for the project, the owner is required to provide the City the necessary easements for the maintenance of the City owned electric distribution system.

JUSTIFICATION:

It is necessary to obtain the easements for the City to access and provide maintenance for the City owned electric distribution equipment which may include utility poles, conduit with conductors, transformers, switchgear, equipment pads and meters.

FISCAL IMPACT:

There is no fiscal impact associated with this easement acceptance.

September 8, 2020

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OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Easement – Tract No. 35966, Wilson St. PA19
<https://banningca.gov/DocumentCenter/View/7823/Attachment-1---Easement-for-35966-Wilson-PA-19>
2. Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7822/Attachment-2---Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: September 8, 2020

SUBJECT: Resolution 2020-115, Declaring Termination of Local Emergency

RECOMMENDED ACTION:

Adopt Resolution 2020-115, approving the termination of the local emergency declared by Resolution 2020-101.

BACKGROUND:

On August 5, 2020, the City Council adopted Resolution 2020-101 declaring the existence of a local emergency caused by the Apple Fire. The Apple Fire and threat to safety of persons and property within the City of Banning no longer exists.

JUSTIFICATION:

The California Emergency Services Act, in Government Code Section 8630, requires the local governing body to review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency. The Act also requires the governing body to proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

FISCAL IMPACT:

No fiscal impact associated with adoption of Resolution 2020-115

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2020-115 <https://banningca.gov/DocumentCenter/View/7830/Att-1-Reso-2020-115-Terminating-Local-Emergency>
2. Resolution 2020-101 <https://banningca.gov/DocumentCenter/View/7828/Att-2-Reso-2020-101>
3. Citywide Expense Report https://banningca.gov/DocumentCenter/View/7829/Att-3-Citywide-Expense_Apple-Fire

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Thomas Miller, Electric Utility Director**
Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: **September 8, 2020**

SUBJECT: **Resolution 2020-109, Awarding Two Professional Services Agreements to Cornerstone C.C.H.D. in the Amounts of \$55,000 and \$145,750 for Electrical Engineering Design Services**

RECOMMENDED ACTION:

Adopt Resolution 2020-109:

1. Approving the award of two Professional Services Agreements to Cornerstone C.C.H.D in the amounts of \$55,000 and \$145,750 for electrical engineering design services.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement with Cornerstone C.C.H.D.
3. Authorizing the City Manager or his designee to execute the Professional Services Agreement with Cornerstone C.C.H.D.

BACKGROUND:

On August 8, 2019, The City of Banning Electric Utility (BEU) solicited a request for qualifications (RFQ) 19-044 for On-Call Electrical Engineering Services and established a list of four pre-qualified electrical engineering firms approved by City Council on December 10, 2019; Resolution No. 2019-148. This list was established to assist BEU with completing design engineering for the Utility's capital improvement program.

In July 2020, BEU solicited two Requests for Proposals (RFPs) to the pre-approved On-Call Electrical Engineering Vendor list for two projects:

1. Electric Utility Line Extension Design from Mountain Ave to Wilson Street
2. 34.5kV Line Extension Feasibility Study and Design

BEU received three (3) proposals for the *Electric Utility Line Extension Design from Mountain Ave to Wilson Street* project and received four (4) proposals for the *34.5kV Line Extension Feasibility Study and Design* project. All proposals were considered responsive to BEU's requirements. The results are summarized below:

1. Electric Utility Line Extension Design from Mountain Ave to Wilson Street

	CONSULTANTS	PRICE
1.	Cornerstone C. C. H. D.	\$55,000
2.	EN Engineering LLC	\$114,995
3.	Kewo Engineering Corporation	\$134,240

2. 34.5kV Line Extension Feasibility Study and Design

	CONSULTANTS	PRICE
1.	Cornerstone C. C. H. D.	\$145,750
2.	Kewo Engineering Corporation	\$155,140
3.	EN Engineering LLC	\$185,000
4.	Electric Power Systems Intl, Inc.	\$312,363

BEU evaluated each proposal taking into account understanding of the projects and pricing given to complete each project. Cornerstone C.C.H.D. is the lowest responsive and responsible bidder for both solicitations. BEU is recommending contract award of both projects to Cornerstone C.C.H.D. based on these factors.

JUSTIFICATION:

BEU has a need for professional electrical engineering services to complete several capital improvement projects. Having the ability to solicit design services through BEU's On-Call Electrical Engineering pre-approved vendor list reduces the time spent by City staff drafting public solicitations and vetting new engineering firms.

FISCAL IMPACT:

An appropriation from the Electric Fund in the amount of \$145,750 to Account No. 673-7000-473.96-45 is necessary to complete design services for the 34.5kV Line Extension Feasibility Study and Design project. Funds are available in Account No. 673-7000-473.96-18 to complete design services for the Electric Utility Line Extension Design from Mountain Ave to Wilson Street project.

ALTERNATIVE:

Do not approve Resolution 2020-109 as presented and staff would proceed with an open and formal Request for Proposals for individual projects in order to obtain the required services.

ATTACHMENTS:

1. Resolution 2020-109
<https://banningca.gov/DocumentCenter/View/7826/Attachment-1---Reso-2020-109-Award-Electric-Design>
2. Request for Proposals dated July 22, 2020 with Proposals Received
<https://banningca.gov/DocumentCenter/View/7827/Attachment-2---RFP-dated-7-22-20-with-Proposals>
3. Request for Proposals dated July 29, 2020 with Proposals Received
<https://banningca.gov/DocumentCenter/View/7824/Attachment-3---RFP-dated-7-29-20-with-Proposals>
4. Draft Professional Services Agreements
<https://banningca.gov/DocumentCenter/View/7825/Attachment-4---Draft-Professional-Services-Agreements>

Approved by:



Douglas Schulze

City Manager

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CITY OF BANNING BANNING UTILITY AUTHORITY REPORT

TO: **BANNING UTILITY AUTHORITY**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Art Vela, Public Works Director**
Perry Gerdes, Water/Wastewater Superintendent

MEETING DATE: **September 8, 2020**

SUBJECT: **Resolution 2020-8 UA, Approving Amendment No. 4 to the Agreement with Babcock Laboratories, Inc. for Water and Wastewater Laboratory Analytical Testing Services for Fiscal Year 2020/2021**

RECOMMENDED ACTION:

Adopt Resolution 2020-8 UA:

1. Approving Amendment No. 4 to the Agreement for Water and Wastewater Analytical Testing Services with Babcock Laboratories, Inc. of Riverside, CA in the amount of \$60,000 for Fiscal Year 2020/2021.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement for laboratory analytical testing services.
3. Authorizing the City Manager to execute the Professional Services Agreement with Babcock Laboratories, Inc. of Riverside, CA for laboratory analytical testing services.

BACKGROUND:

The State Water Resources Control Board (SWRCB) is responsible for the enforcement of the Safe Drinking Water Act and the regulatory oversight of public water systems to assure the delivery of safe drinking water. The SWRCB prescribes regulations that limit the amount of certain contaminants in drinking water.

Furthermore, the California Regional Water Quality Control Board (CRWQCB) oversees the City of Banning Wastewater Treatment Plant (WWTP) Wastewater Discharge Requirements (WDR). The WDR has set specific groundwater monitoring requirements near the WWTP percolation ponds.

Consequently, the City of Banning Water and Wastewater Divisions obtain over 1,500 water samples annually from more than 33 sample points throughout the City and submits them for laboratory testing in order to confirm that the City is operating the water and wastewater systems within their respective permit requirements.

In order to obtain laboratory services, Public Works staff advertised a Request for Proposals (RFP) on May 6, 2016 in the Press Enterprise and on the City's website. In response to these efforts, the Public Works Department received two (2) proposals from the following companies:

<u>Companies</u>	<u>Ranking</u>
1) Babcock Laboratories, Inc.	885
2) BSK Associates	818

The proposals were evaluated based on specific criteria including how long the company has been in business, qualifications and experience in implementing an analytical testing program, costs for performing the required analytical testing, quality of services, references, proximity and overall responsiveness to the RFP.

Based on the evaluations and staff recommendation, the Banning Utility Authority approved at its June 28, 2016 meeting a contract award to Babcock Laboratories, Inc. in the amount of \$60,000 for a one (1) year period beginning July 1, 2016 and ending June 30, 2017. This agreement included an option to be renewed for an additional four (4) single years upon annual review by staff and approval by the Banning Utility Authority.

The agreement with Babcock has been previously renewed by City Council for Fiscal Years 2017/2018 (Amendment 1), 2018/2019 (Amendment 2) and 2019/2020 (Amendment 3).

If approved, the amendment would be the last one; staff will advertise a new request for proposals for fiscal years 2021/2022 and on.

JUSTIFICATION:

Laboratory analytical testing services are necessary in order to meet permit requirements of the SWRCB and the CRWQCB related to the operations of the Water and Wastewater Divisions.

Babcock Laboratories, Inc. of Riverside, California has provided the required laboratory analytical services at a satisfactory level and therefore staff recommends the renewal of their contract for Fiscal Year 2020/2021 (Amendment 4).

The contract renewal is for a term of twelve (12) months for an amount of, not to exceed, \$60,000.

FISCAL IMPACT:

The Professional Services Agreement for Laboratory Analytical Testing Services will be funded by the Water Fund Fiscal Year 2020/2021, Account No. 660-6300-471.23-32 (Contractual Services / Laboratory Services) in the amount of \$55,000 and by the Wastewater Fund Fiscal Year 2020/2021, Account No. 680-8000-454.23-32 in the amount of \$5,000 for a total amount of \$60,000.

ALTERNATIVE:

Reject the recommendation. If rejected, laboratory and analytical testing services will be discontinued and the City will not meet State mandated testing requirements. If requested, staff could proceed with a new RFP to obtain the required services, although this would take some time to process.

ATTACHMENTS:

1. Resolution 2020-8 UA
<https://banningca.gov/DocumentCenter/View/7839/Attachment-1-Resolution-2020-8UA>
2. Amendment No. 4 <https://banningca.gov/DocumentCenter/View/7838/Attachment-2-Amendment-4>

Approved by:



Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Kevin Sin, Senior Civil Engineer

MEETING DATE: September 8, 2020

SUBJECT: Avigation Easement from Banning Industrial, L.P.

RECOMMENDED ACTION:

Accept the avigation easement from Banning Industrial, L.P. on Assessor's Parcel Number 532-110-016 for the use and benefit of the Banning Municipal Airport.

BACKGROUND:

The property owner, Banning Industrial, L.P. submitted an application to construct a one million square foot warehouse building at the site just north of the airport. As part of the Conditions of Approval for the project, the owner is required to provide the City the necessary avigation easement for the use and benefit of the Banning Municipal Airport.

JUSTIFICATION:

The applicant is required to grant the avigation easement in order to satisfy the Conditions of Approval approved for his project.

FISCAL IMPACT:

There is no fiscal impact associated with this avigation easement acceptance.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

September 8, 2020

Page 2 of 2

ATTACHMENTS:

1. Avigation Easement
<https://banningca.gov/DocumentCenter/View/7841/Attachment-1---Avigation-Easement>
2. Certificates of Acceptance
<https://banningca.gov/DocumentCenter/View/7840/Attachment-2---Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Public Works Director
Patrick Safari, Associate Engineer

MEETING DATE: September 8, 2020

SUBJECT: Resolution 2020-113, Rejecting all Bids for Project No. 2020-03 "Building Demolition & New Parking Lot Construction" Received on July 20, 2020 and Awarding a Construction Agreement for Project No. 2020-03 "Building Demolition & New Parking Lot Construction" to Horizons Construction Company International Inc

RECOMMENDED ACTION:

Adopt Resolution 2020-113:

1. Rejecting all bids for Project No. 2020-03 "Building Demolition & New Parking Lot Construction" received on July 20, 2020.
2. Approving a Construction Agreement for Re-Bid of Project No. 2020-03 "Building Demolition & New Parking Lot Construction" to Horizons Construction Company International Inc., from Orange, CA in the Amount of \$417,410.20 and Establishing a Total Project Budget of \$459,151.22 and Rejecting all Other Bids.
3. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Project No. 2020-03 "Building Demolition & New Parking Lot Construction" and to approve change orders within the 10% contingency.
4. Authorizing the City Manager to execute the Construction Agreement with Horizons Construction Company International, Inc. for Project No. 2020-03 "Building Demolition & New Parking Lot Construction".

BACKGROUND:

The City of Banning Successor Agency owns Assessor Parcel Number (APN) 541-141-013 located at 128 N. San Gorgonio Avenue and is identified in the 2013 Long Range Property Management Plan to be developed as a parking.

On April 10, 2018 under Resolution 2018-33, the Purchase of Real Property located at 162 N. San Gorgonio Avenue (APN: 541-141-005) was approved, and the Purchase Agreement was executed. The intent of purchasing this Real Property was to combine it with the property at 128 N. San Gorgonio Avenue for the development of a parking lot.

On February 26, 2019 under Resolution 2019-30, the City awarded a professional services agreement for the design of the San Gorgonio Building Demolition and Parking Lot Improvements to Cozad & Fox, Inc. in the amount of \$59,960.

The construction of the new parking lot will include site remediation for lead-based paint and asbestos abatement, demolition of an existing 4,000 sq.ft vacant 2-story building, construction of paved parking lot with thirty five (35) parking stalls and installation of six (6) Electric Vehicle charging stations. The new parking lot will allow the City to increase parking capacity for City Hall employees and the public.

JUSTIFICATION:

The abovementioned two parcels have been identified for the development of a parking lot by the 2013 Long Range Property Management Plan, City Council and/or Economic Development Ad Hoc Committee.

On June 18, 2020, Staff released a Notice Inviting Bids through online bidding portal ProcureNow. On July 20, 2020, three (3) bid proposals were received, ranging in cost from \$489,847.75 to \$689,582. Three Peaks, Corp. was the apparent low bidder. On July 24, 2020, the City received a bid protest letter from the third low bidder, PUB Construction, Inc. focused on the discrepancy between certain bid quantities on ProcureNow pricing proposal and the bid package. On July 29, 2020, the same company issued a second bid protest letter focused on the first low bidder, Three Peaks, Corp. and second low bidder C.S Legacy Construction, Inc. for failure to provide sub-contractors with licenses for specialized work and failure to provide Total Bid Price in digits and words.

As staff evaluated bid proposals, City staff realized that the quantities for bid items such as excavation, new sidewalk, existing asphalt pavement removal and existing sidewalk removal were entered incorrectly. These quantities did not match the bid schedule, or the construction quantities as shown on the approved plans.

On July 29, 2020, the City issued a Notice of Rejection to the three bidders due to the bid schedule error. On July 30, 2020, the City re-bid the project through online portal ProcureNow with the correct quantities for the bid items mentioned above. Five (5) firms submitted bids and the results are summarized as follows:

Firm Name	Total Bid Amount
Horizons Construction Co. International, Inc.	\$ 417,410.20
MVC Enterprises, Inc.	\$ 474,721.50
Three Peaks, Corp.	\$ 522,222.00
C.S Legacy Construction, Inc.	\$ 627,458.00
PUB Construction, Inc.	\$ 649,785.00

The apparent lowest responsive bid was submitted by Horizons Construction Company International, Inc. from Orange, CA.

FISCAL IMPACT:

Staff recommends awarding an agreement to Horizons Construction Company International, Inc. in the amount of \$417,410.20 and establishing a 10% contingency in the amount of \$41,741.02 for a total project budget of \$459,151.22. The project will be funded through BEA Capital Projects Fund Account 840-9500-369.99-98.

ALTERNATIVE:

Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2020-113
<https://banningca.gov/DocumentCenter/View/7843/Attachment-1-Resolution-2020-113>
2. Approved Resolution 2018-33
<https://banningca.gov/DocumentCenter/View/7844/Attachment-2-Resolution-2018-33>
3. Approved Resolution 2019-30
<https://banningca.gov/DocumentCenter/View/7845/Attachment-3-Resolution-2019-30>
4. PUB Construction Protest Letter #1
<https://banningca.gov/DocumentCenter/View/7846/Attachment-4-PUB-Construction-Protest-Letter-1>
5. PUB Construction Protest Letter #2
<https://banningca.gov/DocumentCenter/View/7847/Attachment-5-PUB-Construction-Protest-Letter-2>
6. Rejected bid schedules
<https://banningca.gov/DocumentCenter/View/7848/Attachment-6-Re-Bid-Schedules>
7. Submitted re-bid schedules
<https://banningca.gov/DocumentCenter/View/7842/Attachment-7-Rejected-Bid-Schedules>

Approved by:



Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Luis Cardenas, Senior Civil Engineer

MEETING DATE: September 8, 2020

SUBJECT: Resolution 2020-112, Adopting the Water Supply Assessment for Sun Lakes Village North SPA No. 6

RECOMMENDED ACTION:

Adopt Resolution 2020-112, approving the Water Supply Assessment (WSA) prepared by Romo Planning Group, Inc. for the Sun Lakes Village North Specific Plan Amendment (SPA) No. 6.

BACKGROUND:

California Government Code Section 66473.7 requires affirmative written verification from the water purveyor of the public water system that sufficient water supplies are available for projects meeting certain criteria. In the case of the Sun Lakes Village North SPA No. 6, the potential square footage of commercial/industrial buildings triggers the requirement for written verification of sufficient water supplies.

California Water Code Section 10910 requires the preparation of a water supply assessment, which provides substantial evidence in support of the written verification. If the projected water demand of the proposed project was accounted for in the most recent Urban Water Management Plan (UWMP), the water supply assessment may draw upon the information and analysis in the UWMP previously prepared by the City. The City has prepared and adopted its 2015 UWMP as of June 2016, and the submitted Water Supply Assessment relied on the information within the City's UWMP.

The Water Supply Assessment demonstrates that the City's water supply will meet the water demands of the proposed Project. The combined indoor and outdoor water demands for the Sun Lakes Village North SPA No. 6 are estimated at 279 acre-feet per

year. For the years 2020 through 2040, the City has a projected water supply of between 13,318 and 13,659 acre-feet per year. The City produced a total of approximately 7,935 acre-feet to meet demands during the 2019 calendar year. In addition, the City of Banning maintains a storage account in the Beaumont Basin, estimated at 52,320 acre-feet, based on the Beaumont Basin Watermaster 2018 Consolidated Annual Report and Engineering Report.

JUSTIFICATION:

The proposed project has submitted a Water Supply Assessment (WSA) report subject to and meeting requirements of California Water and Government Codes.

FISCAL IMPACT:

There are no costs from the City's existing budget involved with the above action, however when the proposed development project is constructed, the water connection fees generated will cover the costs for the water supply and facilities necessary for reliable water service.

ATTACHMENTS:

1. Resolution 2020-112
<https://banningca.gov/DocumentCenter/View/7850/Attachment-1---Resolution-2020-112-WSA-Sun-Lakes-Village-North-SPA-No-6>
2. Sun Lakes Village North SPA No. 6 Water Supply Assessment
<https://banningca.gov/DocumentCenter/View/7849/Attachment-2---Sun-Lakes-Village-North-SPA-No-6-Water-Supply-Assessment>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: September 8, 2020

SUBJECT: Resolution 2020-114, Approving Final Tract Map No. 37390, 37390-1 and 37390-2

RECOMMENDED ACTION:

Adopt Resolution 2020-114 approving Final Tract Map Nos. 37390, 37390-1 and 37390-2; authorize staff to sign the final tract maps and subdivision improvement agreements; release the maps for recordation; and accept the performance and labor/materials bonds for public improvements.

BACKGROUND:

The Butterfield Specific Plan was originally approved by the City Council in March of 2012. Subsequent litigation and a settlement agreement resulted in a request by the applicant for approval of a general plan amendment related to Highland Home Road as well as certain minor modifications to the Specific Plan; the Planning Commission recommended approval of the applications in January 2017 and the City Council reviewed and approved the applications in February 2017.

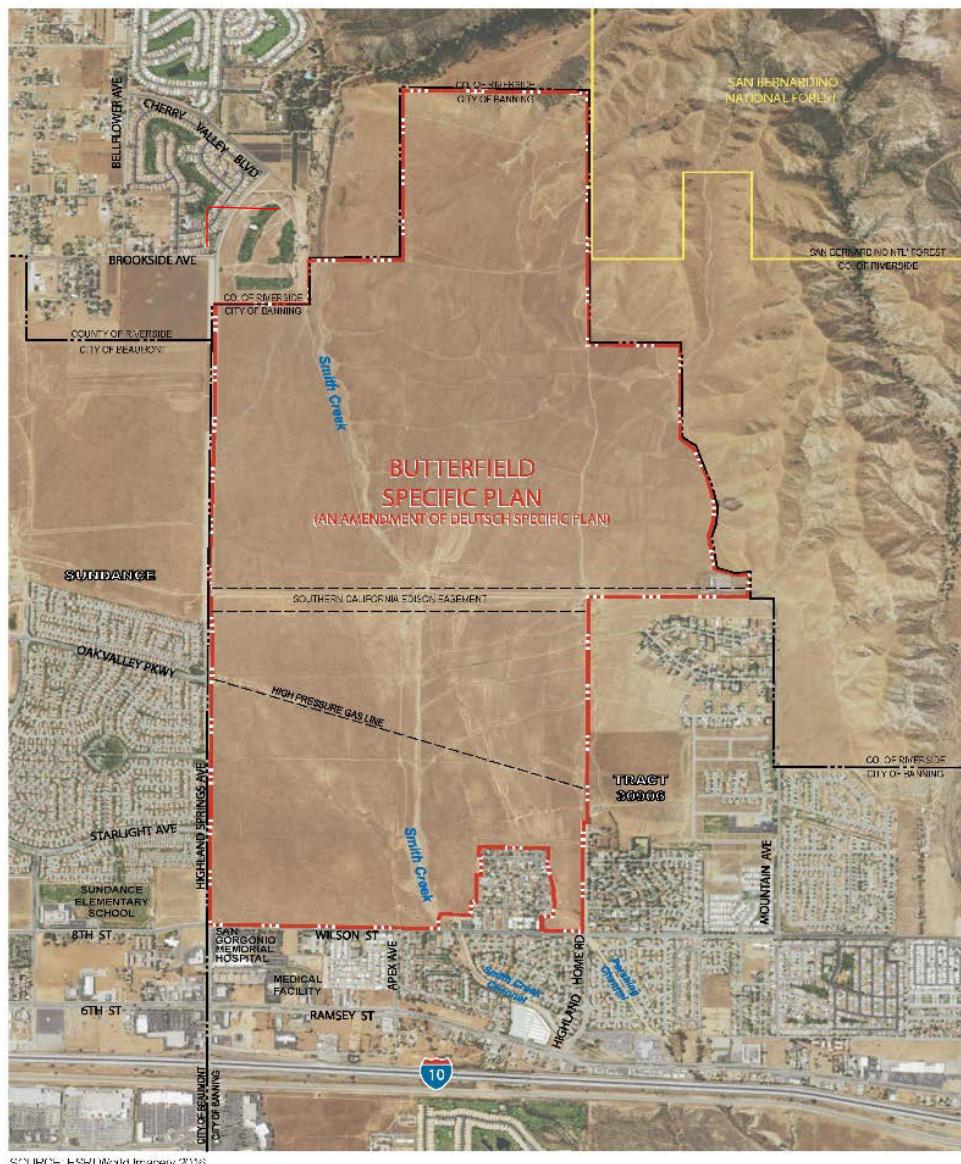
The Project site is approximately 1,528 acres and is located in the northwestern corner of the City of Banning; see Figure 1. The site is generally bounded by Wilson Street to the south, Highland Springs Avenue to the west, Riverside County unincorporated land to the north and northeast, and portions of Highland Home Road to the east. Major access to the site is provided by Highland Springs Avenue, Wilson Street, and Highland Home Road.

The Project site is currently designated Specific Plan in the City's General Plan. Site development is governed by the provisions of the Butterfield Specific Plan, which includes land use designations of Very Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Active Recreation, and Passive Open Space-Parks.

ISSUES / ANALYSIS:

Final Tract Map Nos. 37390, 37390-1 and 37390-2 will subdivide a total of 92.81 acres of vacant land into 355 numbered lots and 51 lettered lots which includes a park site and public streets. The Project site is located north of Wilson Street and east of Highland Springs Road, encompassing the Atwell Development (Butterfield Specific Plan) area as shown in Figure 1.

Figure 1: Butterfield Specific Plan Area



Final Tract Map 37390

The original Tentative Tract Map No. 37390 as approved by Planning Commission on June 25, 2019 proposed 362 single family lots, 1 lot for a park site, 13 open space lettered lots on 93 acres of land along with public streets.

The original Tentative Map No. 37390 has been broken up into Final Tract Maps 37390, 37390-1 and 37390-2. Final Tract Map 37390 is reduced to 137 numbered lots, 23 lettered lots which include the park site and 32.24 acres.

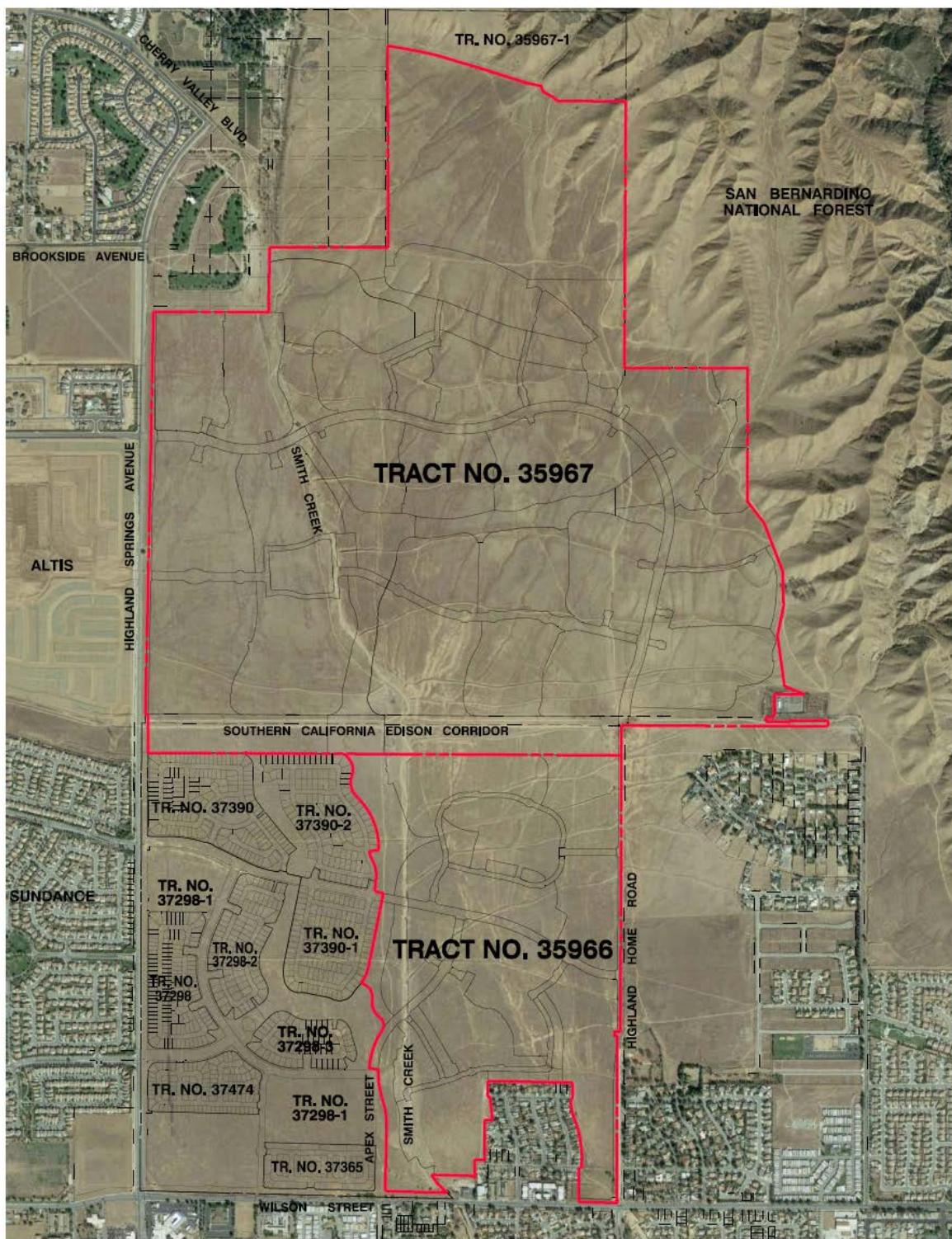
Final Tract Map 37390-1

Final Tract Map No. 35967 proposes 106 numbered lots, 18 lettered lots on 26.53 acres.

Final Tract Map 37390-2

Final Tract Map No. 35967 proposes 112 numbered lots, 10 lettered lots on 34.04 acres.

Figure 2: Final Tract Map Areas



JUSTIFICATION:

Final Tract Map Nos. 37390, 37390-1 and 37390-2 were checked by the City's consulting surveyor and were found to be technically correct and that they conform to the requirements of the Subdivision Map Act.

The City Engineer has verified that Final Tract Map Nos. 37390, 37390-1 and 37390-2 are in substantial conformance with the approved Tentative Tract Map No. 37390.

The subdivision improvement agreements and performance and labor/material bonds provide the City assurances that the public improvements needed to accommodate the development of the tract maps are constructed.

FISCAL IMPACT:

The Atwell Development (Butterfield Specific Plan) project consists of both residential and commercial development and represents a long-term investment in the local community in both housing and public infrastructure (streets, water, sewer, fire station, parks, drainage facilities, etc.). Future maps would provide for development which would ultimately result in building permit and development impact fee revenues to the City.

ALTERNATIVE:

1. Do not approve the recommendation and provide staff with alternate direction.

ATTACHMENTS:

1. Resolution 2020-114 with Exhibits
<https://banningca.gov/DocumentCenter/View/7859/Attachment-1-Resolution-2020-114-with-Exhibits>
2. Approved Tentative Tract Map 37390
<https://banningca.gov/DocumentCenter/View/7857/Attachment-2-Approved-TTM-37390>
3. Subdivision Improvement Agreements and Performance/Labor/Material Bonds
<https://banningca.gov/DocumentCenter/View/7858/Attachment-3-Subdivision-Improvement-Agreements>

Approved by:



Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, Community Development Director

MEETING DATE: September 8, 2020

SUBJECT: **Ordinance No. 1568 approving Zone Change 18-3504 and Resolution No. 2020-108, approving Annexation and Sphere of Influence Amendment 18-1001, General Plan Amendment 18-2505 and Environmental Assessment 18-1509, for a proposed annexation and sphere of influence amendment of two parcels totaling 37.70 acres in unincorporated Riverside County previously within the Morongo Band of Mission Indians Reservation and amendment of the General Plan Land Use and Zoning Map to establish a Business Park (BP) General Plan Land Use Pre-Designation and Pre-Zoning classification for the two parcels, and find the Project exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3)**

RECOMMENDED ACTION:

Introduce the first reading of Ordinance 1568 approving Zone Change 18-3504; and adopt Resolution 2020-108, approving Annexation and Sphere of Influence Amendment 18-1001, General Plan Amendment 18-2505, and Environmental Assessment 18-1509, and find the Project exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3).

PROJECT / APPLICANT INFORMATION:

Project Location: Generally, north of the future extension of Wilson Street and east of Hathaway Street

APN Information: 532-030-008 and 532-030-009

Project Applicant: Lloyd L. Fields
425 Castle Place
Beverly Hills, CA 90210

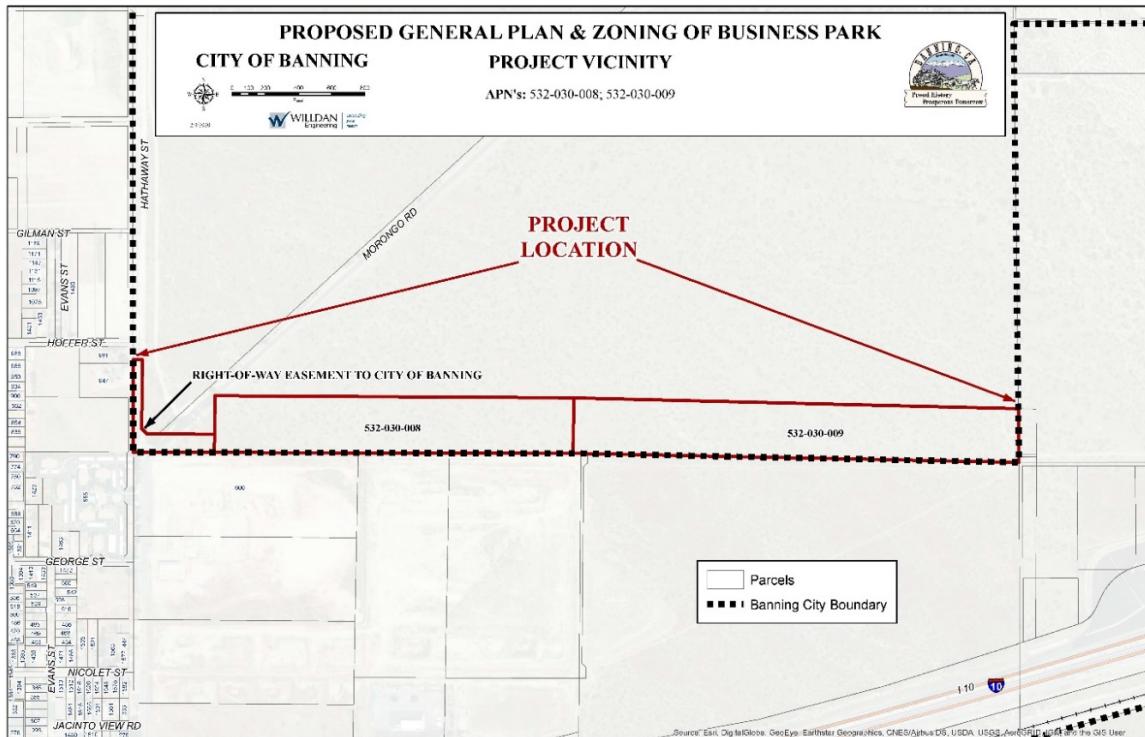
Property Owner: Same as Applicant

BACKGROUND:

The applicant, Lloyd Fields, requests an Annexation, a Sphere of Influence Amendment, General Plan Amendment, Pre-Zone and Zone Change of two parcels located north of Wilson Street and east of Hathaway Street. The two properties are part of a land swap between Mr. Fields and the Morongo Indian Tribe. On, January 13, 2015, the United States Senate passed Senate Bill (S. 175) approving the land swap known as the, "Economic Development Through Tribal Land Exchange Act." Congressional action created eight lots; which were subdivided by deed pursuant to the Subdivision Map Act (Act). Seven of these lots were owned by the Morongo Band of Mission Indians and deeded to Mr. Fields in exchange for the remaining eighth lot that was owned by Mr. Fields. Additionally, one easement was created, that was dedicated to the City of Banning, for access to the above-mentioned properties. Of these eight legal lots and one easement, only two are within the unincorporated County jurisdiction and are subject to the annexation and sphere of influence amendment. The remaining lots were already within the City boundary. A General Plan Amendment and Zone Change to "Business Park" (BP) is required to designate and zone the two aforementioned two parcels when annexation is complete. The City recommends a Business Park (BP) for the two annexed parcels, which is consistent with the surrounding zoning and land uses.

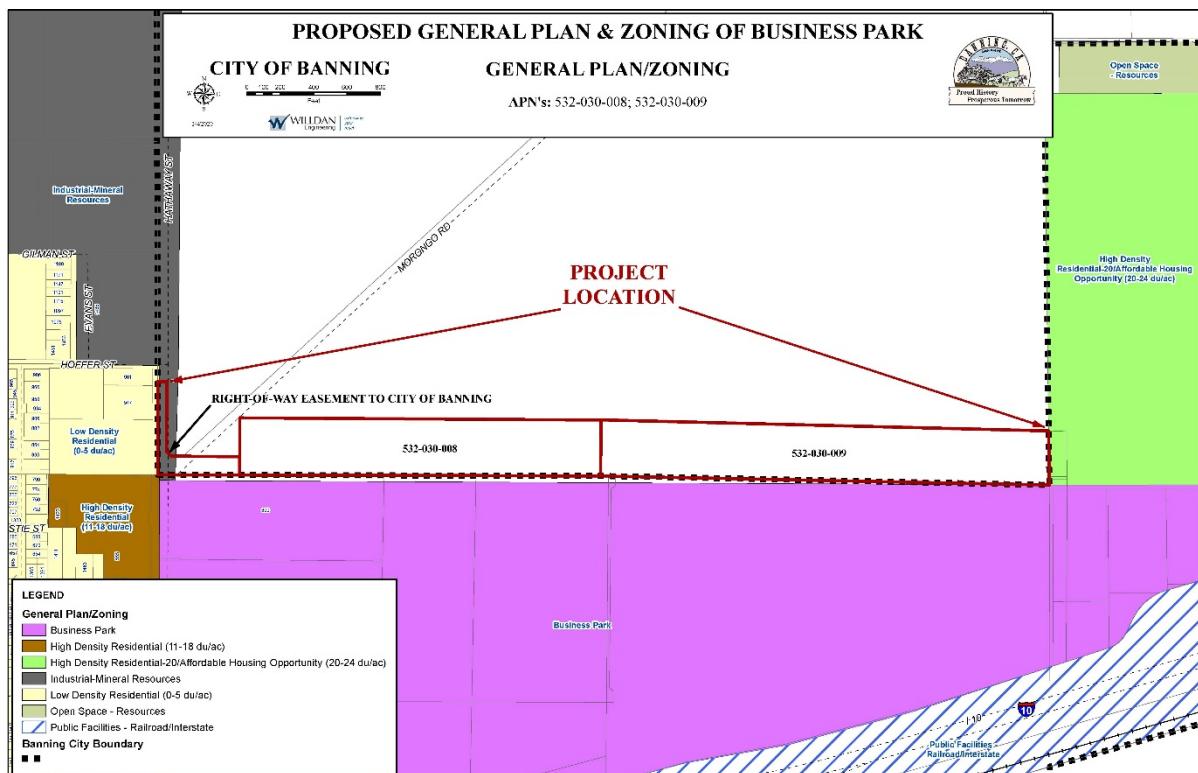
The map below shows the parcels (532-030-008 and 532-030-009) totaling 37.70 acres and requiring Annexation, Sphere of Influence Amendment, General Plan Amendment, and Zone Change.

FIGURE 1:



The applicant undergoing the review process with the Local Agency Formation Commission (LAFCO) for approval of the petitioned annexation and an amendment to the City of Banning's Sphere of Influence (SOI). This Annexation, Sphere of Influence Amendment, General Plan Amendment and Zone Change are being processed to amend the Land Use and Zoning Map to include these two parcels and establish a General Plan Land Use Designation (GP-LUD) and its corresponding Zoning Classification (See Figure 2). The Planning Commission holds jurisdiction to review, and provide a recommendation to the City Council, on the proposed Project. The City Council is the decision-making body and has the authority to approve, approve with modifications, or disapprove the proposed amendments based upon its findings.

FIGURE 2:



ANALYSIS:

The purpose of the proposed General Plan Amendment, and its corresponding Zone Change, is to pre-designate and pre-zone parcels 532-030-008 and 532-030-009 since they are not currently subject to the City's land use authority. The Project site is currently within the unincorporated County of Riverside and the property owner desires to annex the property into the City of Banning. As part of the proposed annexation, City recommends the properties be incorporated within the Business Park (BP) land use designation, which is consistent with the BP designation and zoning to the south. The BP land use designation and zoning district provides for a wide spectrum of job-creation careers within a light industrial environment. The City of Banning uses a combined Land

Use and Zoning Map requiring a General Plan Amendment and Zone Change to effectuate the requested changes.

General Plan Amendment

- A. The General Plan is the comprehensive long-term plan for the physical development of the City and provides the basic framework for all subsequent land use actions taken by the City. Since the City Council is desirous of proper development within the City and wishes to continue to encourage the development of appropriate projects, it becomes necessary to regulate such development so that it is properly integrated into the City's long-term vision and planning process.
- B. The City Council may amend the General Plan of the City of Banning whenever required by public necessity and general welfare.
- C. The Commission shall make written recommendations on the proposed amendment whether to approve, approve in modified form or disapprove, based upon the findings to the City Council.
- D. Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings. Amendments to the General Plan Land Use/Zoning District map shall be adopted by resolution. Amendments to the text of the General Plan shall be adopted by resolution.
- E. An amendment to the General Plan may be adopted only if all the findings are made:
 - a. That the proposed amendment is internally consistent with the General Plan.
 - b. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 - c. That the proposed amendment would maintain the appropriate balance of land uses within the City; and
 - d. That in the case of an amendment to the General Plan Land Use Map, the subject parcels (s) is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designations(s) and the anticipated land use developments (s).

The proposed General Plan Amendment findings are made and can be found in the attached Resolution.

Zone Change

- A. The City Council may amend the provisions of this Zoning Ordinance for the public health, environmental protection, safety, general welfare and the aesthetic harmony of the City.
- B. The Planning Commission shall make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove based upon their findings.
- C. Commission action recommending that the proposed Zoning Ordinance Amendment be approved, approved in modified form, or denied shall be considered by the City Council following the Planning Commission action. A copy of the Planning Commission's recommendation to approve, or approve in modified form, shall be forwarded to the City Council.
- D. Upon receipt of the Planning Commission's recommendation for approval, approval in modified form, or denial, the City Council may approve, approve with modifications, or disapprove the proposed amendment based upon its findings. Amendments to the Zoning Ordinance shall be adopted by ordinance.
- E. An amendment to this Zoning Ordinance may be adopted only if the following findings are made:
 - a. The proposed Amendment is consistent with the goals and policies of the General Plan.
 - b. The proposed Amendment is internally consistent with the Zoning Ordinance.
 - c. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

The proposed Zone Change findings are made and can be found in the attached Resolution.

It is important to note that there is no development or ground disturbance proposed with this Project. Any future development of any of the identified parcels will require separate approval in accordance with the Banning Municipal Code and environmental analysis pursuant to the California Environmental Quality Act.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

City staff have determined that the proposed Annexation and Sphere of Influence Amendment 18-1001, General Plan Amendment 18-2505, and Zone Change 18-3504 (collectively, the "Project") are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section

15061(b)(3) because it can be seen with certainty that there is no possibility that the Project will have a significant effect on the environment. A Notice of Exemption has been prepared for filing with the County Clerk.

TRIBAL CONSULTATION:

In accordance with Senate Bill (SB) 18 and Assembly Bill (AB) 52, letters requesting consultation were sent to the Native American Heritage Commission (NAHC), all tribes listed on the NAHC list, and all tribes who contacted the City requesting notification according to AB 52. As of the date of this report, no tribes have requested consultation.

PUBLIC COMMUNICATION:

The proposed Annexation, Sphere of Influence Amendment, General Plan Amendment and Zone Change were advertised in the Record Gazette newspaper on August 28, 2020 (Attachment 4). As of the date of this report, staff has not received any comments.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Ordinance No. 1568 <https://banningca.gov/DocumentCenter/View/7834/ATT-1---Ord-1568>
2. Resolution No. 2020-108
<https://banningca.gov/DocumentCenter/View/7835/ATT-2---Reso-2020-108>
3. Notice of Exemption <https://banningca.gov/DocumentCenter/View/7836/ATT-3---NOE---Exhibit-B-to-Reso-2020-108>
4. Project Plans <https://banningca.gov/DocumentCenter/View/7837/ATT-4---Proj-Plans---Exhibit-A-to-Reso-2020-108>
5. Public Hearing Notice <https://banningca.gov/DocumentCenter/View/7831/ATT-5---PHN>
6. Planning Commission Resolution No. 2020-04
<https://banningca.gov/DocumentCenter/View/7832/ATT-6---PC-Reso-2020-04>
7. Senate Bill 175 and associated attachments
<https://banningca.gov/DocumentCenter/View/7833/ATT-7---SB-175>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
MEETING DATE: September 8, 2020
SUBJECT: Animal Control Services Contractual Costs

RECOMMENDED ACTION:

Authorize the City Manager to create an Animal Control Division and direct the City Manager to prepare the required budget adjustments and amendment to the City's classification plan.

BACKGROUND:

The City of Banning previously contracted for animal control services with the City of Beaumont from July 1, 2010 to June 30, 2018. In May 2018, the City of Banning received notice from the City of Beaumont of their intention to terminate services as of June 30, 2018. The Riverside County Department of Animal Control Services was contracted to provide basic animal sheltering services, field operations and licensing services for the FY 2018-2019. Without a local animal shelter, the City was not able to establish an internal animal control service within the short time period given by the City of Beaumont.

The history of animal control services in Banning includes both City staff provided services and contracted services. As is not uncommon, contractual agreements have occasionally resulted in a short-term cost savings, but within a few years after the agreements were initiated the cost escalated substantially. Clearly, cost control can be lost when services are contracted out.

In February 2020, the City received notice from Riverside County that the animal control services contract would increase from \$14,000 to \$27,000 per month effective March 1, 2020. In addition, Riverside County retains animal license fees, impound fees and other fines or penalties related to animal control services. The total cost of the contract with Riverside County Animal Control Services exceeds \$350,000 annually. Given the cost escalation of the contract with Riverside County, analysis of re-establishing an internal Animal Control Division has been completed.

A City operated animal control division would consist of two full-time animal control officers and an animal control vehicle. Coverage would be provided 8 – 10 hours per day, 7 days

per week, except for periods of time when animal control officers are in training or on leave status. The annual budget projection for an in-house animal control division is \$250,000. Initial start-up costs would involve acquisition of an animal control vehicle, animal control equipment, and office equipment.

Animal Control Estimated Budget

Salary & Benefits	202,650
Office Supplies	2000
Fuel	5200
Uniforms	1200
Advertising/Publishing	2000
Printing	1000
Dues/Subscriptions	500
Postage	500
Travel/Conferences	1500
Staff Training	1200
Animal Control Vehicle*	25,000
Office Furniture*	1,800
Computer Hardware*	5,000
Computer Software*	5,000
Animal Control Equipment*	5,000
Total:	\$259,550
*One-time Costs for start-up	

Animal licensing fees will also need to be adjusted and an organized campaign to get all unlicensed pets in Banning licensed, spayed/neutered, and microchipped. Preferably, efforts can be coordinated with Tender Loving Critters and the Animal Action League to bring low-cost services to pet owners. Finally, a proposal for re-opening the Banning Animal Shelter will be brought to the City Council in the coming months, which will also provide opportunities for collaboration.

JUSTIFICATION:

Riverside County Animal Control increased its contract fee with the City of Banning by almost 100% on March 1, 2020, and only provided a 30-day notice of the increase. The total cost of the contract exceeds \$350,000. Animal control services can be provided with City staff for an annual cost of \$250,000, plus revenue generated from licensing fees, penalties and fines.

FISCAL IMPACT:

An estimated annual savings of at least \$100,000.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Letter from Riverside County Animal Control

<https://banningca.gov/DocumentCenter/View/7820/Contract-City-Letter---Rates-and-Hours>

Approved by:



Douglas Schulze
City Manager

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CITY OF BANNING BANNING UTILITY AUTHORITY REPORT

TO: **BANNING UTILITY AUTHORITY**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Art Vela, Public Works Director/City Engineer**
Luis Cardenas, Senior Civil Engineer

MEETING DATE: **September 8, 2020**

SUBJECT: **Wastewater Treatment Plant Studies and Recommendations**

RECOMMENDED ACTION:

1. Receive and file the Wastewater Treatment Plant Studies completed in 2020.
2. Approve an agreement with Nexom, Inc. in the amount of \$68,500 to complete pilot studies of their MBBR and Tertiary Filter technologies.
3. Approve an appropriation in the amount of \$68,500 from the Wastewater Capital Facility Fund (681) is requested to fund the pilot study.
4. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Nexom pilot studies.

BACKGROUND:

The Colorado River Basin Regional Water Quality Control Board, at its June 30, 2016 public meeting, adopted the most recent Waste Discharge Requirements (WDRs) under which the City of Banning Wastewater Treatment Plant must operate. An important requirement was the need to complete a study to determine the feasibility of removing Nitrogen from the plant effluent to a level approximately one third of current concentration. A second requirement was the need to assess impacts of effluent discharge on receiving groundwater aquifers. Due to the existing treatment plant's age, a condition assessment was completed to identify remaining useful life for all major components.

1. Nitrogen Removal Feasibility Study

A comprehensive study was completed to assess a variety of different technologies, including upgrades to existing treatment processes to achieve total Nitrogen removal to a concentration below 10 mg/L in a safe, reliable and cost-effective manner. After an initial scoring matrix was used to identify the best

options, 5 alternatives were selected for detailed analysis, including computer modeling, to predict final water quality and determine preliminary sizing and O&M costs. The final recommendation identified Moving Bed Bio-film Reactor (MBBR) as the best choice for the City of Banning's unique set of conditions.

2. Effects on Groundwater Report

This report analyzed the impacts to groundwater under different effluent water quality scenarios for Nitrogen and Total Dissolved Solids (TDS), operating at the WWTP's rated capacity. A numerical analysis was completed to anticipate concentrations of Nitrogen and Total Dissolved Solids (TDS) over time in different parts of the Beaumont basin, and the Banning and Cabazon storage units. Part of the effluent was assumed to be tertiary-treated recycled water, delivered to the Sun Lakes Golf Course. The remaining effluent is assumed to be discharged over the existing percolation ponds at the WWTP site. Concentrations of Nitrogen and TDS are predicted to remain within regulatory levels for the foreseeable future, going out 50 years if a Nitrogen Removal technology is constructed, such as MBBR.

3. Wastewater Treatment Plant Condition Assessment

A detailed condition assessment of all WWTP structures and equipment was completed, including structural and electrical components. In addition, pumps were tested to verify existing flowrates. Each treatment process was given an estimated capacity and remaining useful life. The condition assessment reinforces the need to undertake major upgrades at the wastewater treatment plant in the near future.

JUSTIFICATION:

A detailed study has identified MBBR as the most advantageous treatment technology for the City of Banning to pursue to meet the Nitrogen removal goals and in combination with tertiary cloth filters be able to produce Title 22 recycled water at a cost-conscious price. A pilot study is recommended to better inform the final design of these future facilities. Nexom's unique MBBR technology advances the efficiency of this treatment technology and is prepared to start the pilot studies right away.

FISCAL IMPACT:

An appropriation in the amount of \$68,500 from the Wastewater Capital Facility Fund (681) to Account 681-8000-90-78 (Planning/Design) to the fund the Nexom Pilot studies is required.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Nitrogen Removal Feasibility Study
<https://banningca.gov/DocumentCenter/View/7853/1-Nitrogen-Removal-Feasibility-Study>
2. Effects of Discharges on Groundwater
<https://banningca.gov/DocumentCenter/View/7854/2-Effects-of-Discharges-on-Groundwater>
3. WWTP Condition Assessment
<https://banningca.gov/DocumentCenter/View/7855/3-WWTP-Condition-Assessment>
4. MBBR Pilot Proposal <https://banningca.gov/DocumentCenter/View/7851/4-Nexom-BioPortz-MBBR-Pilot>
5. Cloth Filters Pilot Proposal
<https://banningca.gov/DocumentCenter/View/7852/5-Nexom-Infini-D-Cloth-Filters-Pilot>

Approved by:



Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: September 8, 2020

SUBJECT: Ordinance 1569, Amending Chapter 2.28 ("Planning Commission") of the Banning Municipal Code.

RECOMMENDED ACTION:

Adopt Ordinance 1569, amending Chapter 2.28 ("Planning Commission") of the Banning Municipal Code to update Planning Commissioner terms, vacancies, duties, and responsibilities.

BACKGROUND:

City Council directed the City Manager to draft amendments to Chapter 2.28 of the Banning Municipal Code to clarify planning commission member terms, vacancies, duties and responsibilities. Ordinance No. 1569 assigns each planning commission position a number and date of expiration for terms. All terms will expire on January 31 and new terms will start on February 1. Terms will remain staggered every two years and run concurrent with city elections.

JUSTIFICATION:

At some point in the past, appointment to vacant partial terms resulted in the date of termination shifting so some positions expired in February and other in May. Amendment of the Banning Municipal Code is intended to provide more clarification for appointments to avoid confusion.

FISCAL IMPACT:

There is no fiscal impact associated with Ordinance 1569.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Ordinance 1569 <https://banningca.gov/DocumentCenter/View/7856/Ordinance-Amending-Planning-Commission-Terms-and-Duties>

Approved by:



Douglas Schulze
City Manager